IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 22356 of 1994

Between:

1. G.Vasanthappa, S/o. Mallanna, R/o. Pothuru Harijanawada, H/o. Chembakur,Ramasamudram Revenue (M),Chittoor Dist.
2. G.Kadirappa, S/o. Kadirappa, R/o. Pothuru Harijanawada, H/o. Chembakur,Ramasamudram Revenue (M), Chittoor Dist.
3. N.Chinna venkataramana, S/o. Kadirappa, R/o. Pothuru Harijanawada, H/o. Chembakur,Ramasamudram Revenue (M), Chittoor Dist.
4. L. Venkatappa, S/o. Ganganna, R/o. Pothuru Harijanawada, H/o. Chembakur,Ramasamudram Revenue (M), Chittoor Dist.
5. B.Venkataramana, S/o. Gopalu, R/o. Pothuru Harijanawada, H/o. Chembakur,Ramasamudram Revenue (M), Chittoor Dist.

..... PETITIONERS

AND

1. The Dist. Collector, Chittoor, Chittoor Dist.
2. The Sub - Collector, Madanapalli, Chittoor Dist.
3. The Mandal Revenue Officer, Ramasamudram, Chittoor Dist.
4. The Asst. Executive engineer, Mandal Praja Parishad, Madanapalli, Chittoor Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ ,or order or direction, in the nature of a writ of Mandamus , declaring the action of the respondents herein in laying a road through S.No.12/2, dry extent Ac.6.40 cents, of Chembakur Revenue (V),Ramasamudram (M), Chittoor Dist, without acquisition or in accordance with law, is illegal arbitrary and unconstitutional and to pass such other orders.

Counsel for the Petitioner: Mr. E. KALYAN RAM

Counsel for the Respondents: G.P. for Revenue.

The Court Made the Following :

ORDER

Heard both sides.

The only grievance of the petitioner is that the 1st respondent without taking recourse to the law, is trying to lay the road in his land in S.No.12/2 in an extent of Ac.6.40 cents of Chembakur Revenue village. Admittedly, no notice what so ever was given to the petitioner, nor any land acquisition proceedings as contemplated under law has been initiated for laying the road in question in the land owned by the petitioner. Therefore the action of the respondents as complained by the petitioner is without any authority and the same cannot be permitted.

This Court on 23.12.1994 in W.P.M.P.No.27862 of 1994 granted interim direction to the respondents not to lay the road in S.No.12/2 of Chembakur revenue village and the same is still subsisting.

Having regard to the fact that the interim order passed by this Court is still in favour of the petitioner and in the interest of justice, I consider it appropriate to direct the respondents herein to take steps in accordance with law, if the land is required for any purpose.

Subject to the observation indicated above, the Writ Petition is dismissed. No costs.

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2nd July 2004

BJ/Glv

To

1. The Dist. Collector, Chittoor, Chittoor Dist.
2. The Sub - Collector, Madanapalli, Chittoor Dist.
3. The Mandal Revenue Officer, Ramasamudram, Chittoor Dist.
4. The Asst. Executive engineer, Mandal Praja Parishad,
   Madanapalli, Chittoor Dist.

5. Two C.Cs to the Government Pleader for Revenue, High Court Buildings, Hyderabad. (O.U.T)

6. Two C.D. copies.